IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 15560 of 2007(B)

PETITIONER:

CHACKO MATHEW, AGED 58 YEARS,
S/O.CHACKO, MANAGING DIRECTOR, M/S.PACT RUBBER WOOD AND ALLIED PRODUCTS, KOTTAYAM.

BY ADV. SRI.M.J.THOMAS

RESPONDENTS:

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1. THE ASSISTANT PROVIDENT FUND COMMISSIONER, SUB REGIONAL OFFICE, EMPLOYEES PROVIDENT FUND ORGANIZATION, KOTTAYAM.

2. THE ENFORCEMENT OFFICER, OFFICE OF THE EMPLOYEES PROVIDENT FUND ORGANIZATION, SUB REGIONAL OFFICE, KOTTAYAM.

BY SRI. JOY THATTIL ITTOOP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.15560 OF 2007

DATED THIS THE 6th DAY OF JUNE, 2007

JUDGMENT

The petitioner challenges the order passed by the 1st respondent refusing to set aside the exparte order passed under Section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952. The petitioner has his own reasons for non appearance on the particular day, which is controverted by the learned standing counsel appearing for the Provident Fund Organisation. I think that I need not go into that controversy now, since it is only in the interest of justice that the petitioner be given an opportunity to contest the matter on merits. Accordingly, I set aside Ext.P2 order as well as Ext.P4 and direct the 1st respondent to consider the matter under Section 7A of the Act on merits and pass appropriate orders in accordance with law. The petitioner shall be present before the 1st respondent on 25.6.2007 with all evidence in support of his case and the 1st respondent may hear him on that day or any subsequent day fixed by the 1st respondent which date shall be intimated to the petitioner for which separate

notice need not be sent. If the petitioner does not appear on that day or the subsequent day fixed by the 1st respondent, the 1st respondent would be free to pass fresh orders without any further reference to the petitioner.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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